

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 8

AN ACT RESPECTING THE CONSEIL DE LA SANTÉ ET DU BIEN-ÊTRE

Bill 415

Introduced by Mr Marc-Yvan Côté, Minister of Health and Social Services

Introduced 11 March 1992

Passage in principle 12 March 1992

Passage 13 May 1992

Assented to 14 May 1992

Coming into force: 14 May 1992

Act replaced:

Act respecting the Conseil des affaires sociales (R.S.Q., chapter C-57)



CHAPTER 8

An Act respecting the Conseil de la santé et du bien-être

[Assented to 14 May 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ESTABLISHMENT AND ORGANIZATION

Establish-
ment

1. A medical council, called the “Conseil de la santé et du bien-être”, is hereby established.

Composition

2. The council shall be composed of twenty-three members, including nineteen voting members.

Voting
members

3. On the recommendation of the Minister of Health and Social Services and following consultation with the representative bodies in the health and social services community which are concerned in each case, the voting members of the council are appointed by the Government in the following manner:

- (1) a chairman;
- (2) three persons chosen from among the users of health services and social services or their representatives;
- (3) three persons from community organizations involved in the defense of users’ rights, the dispensation of services or volunteer work;
- (4) six persons chosen from among practitioners, research workers or administrators, of whom three shall be from the health sector and three from the social services sector;

(5) six persons from any of the sectors concerned by health and social services policies, such as the municipal, education, economics, labour, income security, environment and justice sectors.

**Appoint-
ments** The appointments shall, as far as possible, reflect the socio-cultural, ethno-cultural, linguistic and demographic composition of the population as a whole and shall represent women and men and the regions of Québec in the fairest possible way.

**Non-voting
members** **4.** The non-voting members of the council are appointed by the Government on the recommendation of the Minister. One non-voting member shall be chosen from among the public servants of the Ministère de la Santé et des Services sociaux, another from a regional board established under the Act respecting health services and social services and amending various legislation (1991, chapter 42) and the remaining two from government departments concerned by health and social services policies.

**Vice-
chairman** **5.** Upon the Minister's recommendation, the Government shall designate the vice-chairman from among the voting members of the council.

**Term of
office** **6.** The chairman of the council is appointed for a term not exceeding five years.

**Term of
office** The other voting members of the council are appointed for a term of four years. However, nine of the first members of the council are appointed for a term of two years.

**Expiry of
term** The members remain in office at the expiry of their terms until reappointed or replaced.

Renewal **7.** The term of a voting member of the council, including that of the chairman, cannot be renewed consecutively more than once.

Vacancy **8.** Any vacancy occurring during a term of appointment is filled in accordance with the mode of appointment prescribed for the appointment of the member to be replaced, for the unexpired portion of that person's term.

Absence Absence without valid reason from the number of meetings of the council determined in its internal management by-laws, in the cases and circumstances prescribed therein, constitutes a vacancy.

Chairman **9.** The chairman of the council shall conduct the meetings of the council and be responsible for the management of its activities. He shall also act as liaison between the council and the Minister.

Vice-chairman Where the chairman is unable to act, he is replaced by the vice-chairman.

Remuneration **10.** The Government fixes the remuneration, social benefits and other terms of employment of the chairman and of the vice-chairman when he replaces the chairman.

Voting members **11.** The voting members of the council, other than the chairman and, as provided, the vice-chairman, are not remunerated. They are, however, entitled to the reimbursement of expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

Meetings **12.** The council may hold its meetings at any place in Québec.

Quorum The quorum at meetings of the council is the majority of its voting members, including the chairman or the vice-chairman.

Decisions **13.** Decisions of the council are made by a majority vote of the voting members present.

Tie-vote In the case of a tie-vote, the chairman of the council or, in his absence, the vice-chairman, has the casting vote.

Secretary **14.** The secretary and other members of the personnel of the council are appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Secretariat **15.** The secretariat of the council shall be located in the territory of the Communauté urbaine de Québec, at the place determined by the Government.

Publication Notice of that location and of any change of location of the secretariat shall be published in the *Gazette officielle du Québec*.

DIVISION II

FUNCTIONS AND POWERS

Function **16.** The function of the council is to advise the Minister on the most appropriate ways of improving the health and well-being of the population.

Advice **17.** Matters on which the council may advise the Minister include the evolution of problems of health or well-being in the population, the causes related to such problems and the most vulnerable groups.

Advice **18.** The council shall advise the Minister on the objectives of health and social services policies developed by the Minister and on appropriate means for achieving those objectives, taking into account the capacity of the community to mobilize the necessary resources.

Advice **19.** The council shall advise the Minister on any other matter he submits to it.

Powers **20.** In pursuing its objectives, the council may in addition

- (1) initiate consultation, seek advice, accept and hear requests and suggestions from persons, bodies or associations and submit to the Minister any recommendation it considers relevant;
- (2) set up committees;
- (3) inform the public.

Publication **21.** The council may make public any advice, opinion or recommendation it formulates pursuant to sections 16 to 20, sixty days after forwarding it to the Minister.

Internal management by-laws **22.** The council shall adopt by-laws for its internal management.

DIVISION III

MISCELLANEOUS AND FINAL PROVISIONS

Fiscal year **23.** The fiscal year of the council ends on 31 March.

Report **24.** The council shall forward to the Minister, not later than 30 June each year, a report on its activities for the preceding fiscal year.

Tabling **25.** The Minister shall table the report of the council before the National Assembly within thirty days of receiving it or, if the National Assembly is not sitting, within thirty days of resumption.

c. C-57, replaced **26.** This Act replaces the Act respecting the Conseil des affaires sociales (R.S.Q., chapter C-57).

Replacement **27.** The Conseil de la santé et du bien-être replaces the Conseil des affaires sociales established under the Act respecting the Conseil des affaires sociales.

End of term The term of the members of the Conseil des affaires sociales shall end on the coming into force of this Act.

Rights and
obligations

28. The Conseil de la santé et du bien-être acquires the rights and shall assume the obligations of the Conseil des affaires sociales.

Personnel

29. The personnel of the Conseil des affaires sociales, appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall become the personnel of the Conseil de la santé et du bien-être.

Records and
documents

30. The records and documents of the Conseil des affaires sociales shall become the records and documents of the Conseil de la santé et du bien-être, without further formality.

Expressions
replaced

31. In any Act, regulation, order in council, order, contract or other document, unless the context requires otherwise, the expression "Conseil des affaires sociales" is replaced by the expression "Conseil de la santé et du bien-être" and any reference to the Conseil des affaires sociales becomes a reference to the Conseil de la santé et du bien-être.

Members of
council

32. Until regional boards are established under the Act respecting health services and social services and amending various legislation (1991, chapter 42), the member of the council who, pursuant to section 4 of this Act, must be a person serving on such a board, shall be chosen from among the persons serving on the health and social services councils established under the Act respecting health services and social services (R.S.Q., chapter S-5).

Minister
responsible

33. The Minister of Health and Social Services is responsible for the administration of this Act.

Coming into
force

34. This Act comes into force on 14 May 1992.